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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,430	02/15/2001	Ernst Ruberl	AT 000010	5073

7590

03/12/2003

Corporate Patent Counsel  
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EXAMINER

LAM, THANH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/784,430

Applicant(s)

RUBERL ET AL.

Examiner

Thanh Lam

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE 12.30.2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 12/30/2002 for a RCE under 37 CFR 1.53(d) based on parent Application No. 09/784,430 is acceptable and a RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rollins et al.

Rollins et al. disclose an apparatus having an electroacoustic transducer, said transducer comprising: a magnet system (17,26) which generates a useful magnetic field in a useful field area and a stray magnetic field in a stray field area, sound generating means (31) arranged in said useful magnetic field for generating acoustic sound wave, and vibration generating means for generating vibrations perceptible by a user of the apparatus, wherein the vibration generating means is separate from the sound generating means and comprises at least one movably mounted vibration generating coil (17-19) arranged in the stray magnetic field generated.

Regarding claim 2, Rollins et al. disclose the vibration generating means include two movably mounted vibration generating coils (17-19) arranged in the stray filed area, and the two vibration generating coils are arranged in serried opposition or in anti-parallel.

Regarding claim 3, Rollins et al. disclose the vibration generating means include, in addition to the at least one vibration generating coil, a metal part which is mechanically connected to the at least one vibration generating coil and which consists of a soft-magnetic material.

Regarding claim 4, Rollins et al. disclose the magnet system is basically ring-shaped, and the magnet system generates the stray magnetic field, which emanates from its outer peripheral area, and the at least one vibration generating coil is annular and is arranged to be coaxial with the axis of the magnet system and is mounted so as to be movable parallel to the axis of the magnet system.

Regarding claim 5, Rollins et al. disclose an a.c. generator adapted to generate an a.c. signal having a frequency of, preferably, between 50 Hz and 200 Hz, and the a.c. generator is connected to the at least one vibration generating coil in an electrically conductive manner and supplies the a.c. signal generated by it to the at least one vibration generating coil.

Regarding claim 6, Rollins et al. disclose an electroacoustic transducer, comprising: a magnet system (14) which generates a useful magnetic field in a useful field area and a stray magnetic field in a stray field area, sound generating means (31) arranged in said useful magnetic field for generating acoustic sound wave, and vibration generating means for generating vibrations perceptible by a user of the apparatus, wherein the vibration generating means is separate from the sound generating means comprises at least one movably mounted vibration generating coil arranged in the stray magnetic field.

Regarding claim 7, Rollins et al. disclose the vibration generating means include two movably mounted vibration generating coils arranged in the stray field area, and the two vibration generating coils are arranged in series opposition or in anti-parallel.

Regarding claim 8, Rollins et al. disclose the vibration generating means include, in addition to the at least one vibration generating coil, a metal part which is mechanically connected to at least one vibration generating coil and which consists of a soft-magnetic material.

Regarding claim 9, Rollins et al. disclose the magnet system is basically ring-shaped, and the magnet system generates the stray magnetic field, which emanates from its outer peripheral area, and the at least one vibration generating coil is annular and is arranged to be coaxial with the axis of the magnet system and is mounted so as to be movable parallel to the axis of the magnet system.

Regarding claim 10, Rollins et al. disclose comprising: magnet system for generating a magnetic field; sound generating means for generating acoustic sound wave, said sound generating means comprising a first coil placed in said magnetic field; and vibration means for generating vibration perceptible by an user, said vibration means comprising one or more second coils placed in said magnetic field.

Regarding claim 11, Rollins et al. disclose said magnetic field comprises a useful magnetic field and a stray magnetic field, and wherein said first coil is located in said useful magnetic field, while said one or more second coils are located in said stray magnetic field.

Regarding claim 12, Rollins et al. disclose said vibration means a metal part mechanically connected to said one or more second coils.

Regarding claim 13, Rollins et al. disclose said metal part consists of a soft-magnetic material.

Regarding claim 14, Rollins et al. disclose said magnet system comprises a magnet of ring-shaped having an inner peripheral area and an outer peripheral area.

Regarding claim 15, Rollins et al. disclose said useful magnetic field is located at said inner peripheral area while said stray magnetic field is located at said outer peripheral area.

Regarding claim 16, Rollins et al. disclose said one or more second coils are arranged at said outer peripheral area and coaxially with said magnet.

Regarding claim 17, Rollins et al. disclose said one or more second coils are mounted to be movable parallel to an axis of said magnet.

Regarding claim 18, Rollins et al. disclose said sound generating means further comprises a diaphragm activated by said first coil to produce said acoustic sound wave.

Regarding claim 19, Rollins et al. disclose said sound generating means comprises a coil and a diaphragm activated by said coil for generating said acoustic sound wave.

Regarding claim 20, Rollins et al. disclose said sound generating means comprises a coil and a diaphragm activated by said coil for generating said acoustic sound wave.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The examiner can normally be reached on m-f 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0656.



Thanh Lam  
March 9, 2003